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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 JAVIER ALFONSO LOPEZ LOPEZ,
21 Defendant.

22 CASE NO. 1:22-CR-00267-JLT-SKO
23 STIPULATION SETTING CHANGE OF PLEA
24 HEARING; ORDER

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28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for trial on October 16, 2024.

32 2. By this stipulation, defendant now moves to vacate the trial as to him only, and set a
33 change of plea hearing on December 2, 2024, and to exclude time between October 16, 2024, and
34 December 2, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(ii) [Local Code T4].

35 3. The parties agree and stipulate, and request that the Court find the following:

36 a) The government has represented that the discovery associated with this case
37 includes wiretap recordings, thousands of pages of investigative reports, video, audio recordings,
38 cell phone extractions, and other voluminous materials. On or about January 13, 2023, the
39 government produced approximately 430 GBs of supplemental discovery.

b) Counsel for defendant desire additional time to consult with their client, prepare for the change of plea hearing, and gather materials for sentencing.

c) Counsel for defendants believe that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

10 4. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
11 within which trial must commence, the time period of October 16, 2024 to December 2, 2024, inclusive,
12 is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), [Local Code T4] because it results from a
13 continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of
14 justice served by taking such action outweigh the best interest of the public and the defendant in a speedy
15 trial.

16 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
18 must commence.

IT IS SO STIPULATED.

Dated: September 5, 2024

PHILLIP A. TALBERT
United States Attorney

Dated: September 5, 2024

/s/ ANTONIO J. PATACA
ANTONIO J. PATACA
Assistant United States Attorney

/s/ LUIS BUSTAMANTE
Counsel for Defendant
JAVIER ALFONSO LOPEZ
LOPEZ

1 **ORDER**
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4 IT IS SO FOUND.
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7 IT IS SO ORDERED.
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10 Dated: September 5, 2024
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14 Jennifer L. Thurston
15 UNITED STATES DISTRICT JUDGE
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